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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: van den Nieuwelaar et al.  
Serial No.: 09/904,154 Art Unit: 3644  
Filed: July 12, 2001 Examiner: J. Nelson  
For: METHOD AND DEVICE FOR PROCESSING A SLAUGHTER  
ANIMAL

Attorney Docket No. V0028/260265

Assistant Director for Patents  
U.S. Patent and Trademark Office  
Washington, D.C. 20231

Certificate of Mailing

I hereby certify that this correspondence being deposited with the United States Postal Service as certified first class mail in an envelope addressed to: Assistant Commissioner for Patents, U.S. Patent and Trademark Office, Washington DC 20231 on February 12, 2002.

*Colleen T. Kadian*  
Colleen Kadian

**RESPONSE TO OFFICE ACTION AND  
PETITION FOR EXTENSION OF TIME**

Madam:

This paper responds to the Office Action mailed December 18, 2001 in the above-identified patent application.

**ELECTION**

The Examiner maintains that the application contains claims directed to two patentably distinct inventions – Invention I (claims 1-34) and Invention II (claims 35-62). Applicants hereby elect with traverse to pursue Invention I in this application.

**REMARKS**

On October 29, 2001, Applicants mailed to the U.S. Patent and Trademark Office an Information Disclosure Statement together with nine cited documents. Applicants have been unable to locate an English-language abstract of German Document No. 245 352 A1. We have been advised by our German associate that German Patent Document No. 245 352 A1 describes

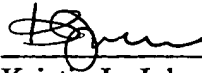
an automatically operating device for opening a carotid artery and a jugular vein at one side of the neck of a bird. For this purpose, a knife (6; Fig. 2) cutting at one side is provided, which is connected to a linear motor (10, 11; Fig. 3) through a mechanism (12; 13; Fig. 3). The path of the knife is (also) controlled based on the force exerted on the knife by the neck of the bird. As a result of this control, only a jugular vein, or a jugular vein and a carotid artery at one side of the neck is being cut. This is not explicitly disclosed in the publication, but cutting more than two of the four main blood vessels (2; 3; Fig. 1) in the neck seems impossible, taking into account the text on page 2 of the publication which reads:

“An arbitrary conveying device moves the neck of the bird against the knife 6, which penetrates into the neck of the bird, Fig. 2. In this process the Corda Spinalis 5, Oesophagus 4 and Trachea 1 come against the rounded side 8 of the knife, whereas the Vena jugularis 2 or the Vena jugularis 2 and the Arteria carotis communis 3 come between cutting edge 7 and counter cutting edge 9.”

#### **PETITION FOR ONE-MONTH TIME EXTENSION**

To the extent necessary, under 37 C.F.R. § 1.136(a) (1998) assignee hereby petitions that the period for responding to the Office Action mailed on December 18, 2001 be extended for one month, up to and including February 18, 2002. Enclosed is a check in the amount of \$110.00 to cover the appropriate fee for this extension under 37 C.F.R. § 1.17.

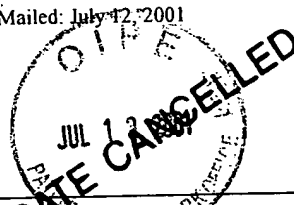
Respectfully submitted,



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The PTO date stamp on the card acknowledges receipt of the enclosed:

Applicant(s): van den NIEUWELAAR	Serial No.: not yet assigned Filing Date: July 12, 2001
Title: METHOD AND DEVICE FOR PROCESSING A SLAUGHTER ANIMAL	Docket No. V0028/260265
1) Patent Application Transmittal PTO/SB/05 2) Fee Transmittal PTO/SB/17 3) Patent Application including: 63 pages of specification, claims, and abstract, 26 sheets of drawing and 2 sheets of executed Declaration 4) \$2306 check for filing fee with extra claims and fee for recordation of Assignment 5) Recordation Form Coversheet PTO 1595 6) Executed Assignment	JSP/ck  Mailed: July 12, 2001 

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09/904154

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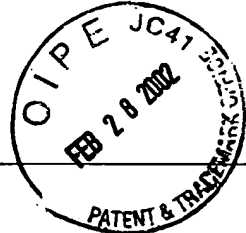
MAIL DATE CANCELLED

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<b>U.S. Serial No.:</b> 09/904,154 <b>Filing Date:</b> 07/12/2001 <b>First Named Inventor:</b> A.J. van den Nieuwelaar <b>Title:</b> Method and Device for Processing a Slaughter Animal	<b>Docket No.</b> V0028/260265 
1) Transmittal Form PTO/SB/21 2) Fee Transmittal PTO/SB/17 3) Response to Office Action and Petition for Extension of Time 4) \$110 check for extension fee	KLJ/ck Mailed: February 12, 2002

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